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OFFICE OF PETITIONS

In re
Charles D. Kownacki, Jeffrey Rehkemper and
Ronnen Harary
Reissue Application No. 10/026,674
Filing Date: December 27, 2001
Reissue of Patent No. 6006517
Original Issue Date: December 28, 1999
Attorney Docket No. 40047A

DECISION ON PETITION

This is in response to the "PETITION TO CORRECT FILING DATE UNDER 37 CFR §§ 1.53(e)(2) and 1.182," filed September 2, 2003, which is properly treated under § 1.53(e)(2).

The petition is **GRANTED**.


The above-identified reissue application of patent No. 6,006,517 (Issued December 28, 1999) was filed on December 27, 2001, without a reissue declaration. On October 8, 2002, petitioner filed a reissue declaration and a petition to accept the declaration under the provisions of § 1.47.

A review of the application reveals that the Office then changed the filing date of this application to October 8, 2002. However, this was in error. In reissue applications, the statutes and rules still provide, pursuant to 35 U.S.C. 111(a) and 37 CFR 1.53(b), for according an application a filing date if filed with a specification, including claim(s), and any required drawings. No oath or declaration is required for according a filing date. See MPEP 1410. The instant application was filed with a specification, including claim(s) on December 27, 2001.

Given the basis for granting this petition, the petition fee is subject to refund. Accordingly, although authorized, no petition fee will be charged to petitioner's Deposit Account.

The application file is being forwarded to the Office of Initial Patent Examination **for correction of the filing date to December 27, 2001 and mailing of a corrected filing receipt**. Thereafter the application will be forwarded to Technology Center 3748 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0309.


Nancy Johnson
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Office of Petitions